Fiscal Estimate - 2011 Session

Original Updated	Corrected Supp	olemental				
LRB Number 11-2990/1	Introduction Number AB-03	389				
Description The authority of a state agency to promulgate rules interpreting the provisions of a statute enforced or administered by the agency and to implement or enforce standards, requirements, and thresholds; elimination of gubernatorial approval of proposed administrative rules; economic impact reports of proposed rules; elimination of statements of scope for emergency rules; legislative review of proposed rules; legislative authorization for certain proposed rules; and venue in a declaratory judgment action seeking judicial review of the validity of an administrative rule						
Fiscal Effect						
Appropriations Reversible Decrease Existing Decrease Existing Appropriations Reversible Decrease Existing Decrease Existing Decrease Decrease New Appropriations Local: No Local Government Costs Indeterminate	ease Existing enues locate as e Existing enues locate as e Existing enues locate as e Revenue locate as e Revenue locate as e Revenue locate as e Revenue locate as e Revenue	ected				
Permissive Mandatory Perm 2. Decrease Costs 4. Decre	case Revenue	ge Cities ers CS				
Fund Sources Affected	Affected Ch. 20 Appropria	tions				
GPR FED PRO PRS SEG SEGS						
Agency/Prepared By	Authorized Signature	Date				
DATCP/ Bill Walker (608) 224-4353	Bill Walker (608) 224-4353	11/29/2011				

Fiscal Estimate Narratives DATCP 11/29/2011

LRB Number	11-2990/1	Introduction Number	AB-0389	Estimate Type	Original
Description					

The authority of a state agency to promulgate rules interpreting the provisions of a statute enforced or administered by the agency and to implement or enforce standards, requirements, and thresholds; elimination of gubernatorial approval of proposed administrative rules; economic impact reports of proposed rules; elimination of statements of scope for emergency rules; legislative review of proposed rules; legislative authorization for certain proposed rules; and venue in a declaratory judgment action seeking judicial review of the validity of an administrative rule

Assumptions Used in Arriving at Fiscal Estimate

This bill would repeal 2011 Wisconsin Act 21, and thus restore prior law relating to the administrative rule-making process.

The changes made by Act 21, which would be repealed by this bill, are the following: 1) limited the authority of a state agency (agency) to promulgate administrative rules (rules) interpreting the provisions of a statute enforced or administered by the agency and to implement or enforce standards, requirements, and thresholds; 2) required gubernatorial approval of a proposed rule; 3) expanded the scope of the requirement that an economic impact analysis be prepared for a proposed rule; 4) made various changes relating to legislative review of a proposed rule; and 5) changed the venue of declaratory judgment actions seeking judicial review of the validity of a rule. In addition, 2011 Wisconsin Act 32 required legislative authorization for a rule that would increase the cost of construction or remodeling of a one— or two–family dwelling by more than \$1,000.

The procedures put in place by Act 21 are new and extensive. The department has not had time to fully implement, let alone assess the cost of, the Act 21 changes. It is therefore unclear what costs would be associated with reversal of Act 21.

The department is not in a position to assess the local government effects of the bill.

Long-Range Fiscal Implications